

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18, 20-27, 29, and 30 are presently pending in this case. Claims 1, 8, 17, and 24 are amended and Claims 31-33 are canceled without prejudice or disclaimer by the present amendment. As amended Claims 1, 8, 17, and 24 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1-14, 16, and 31 were apparently rejected under 35 U.S.C. §103(a) as unpatentable over as Mitsui et al. (U.S. Patent No. 5,626,979, hereinafter “Mitsui”) in view of Victor Company of Japan (Japanese Patent Application Publication No. H1-155654, hereinafter “Victor”); Claims 5 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over as Mitsui in view of Victor and further in view of Huang (U.S. Patent Application Publication No. 20030027042); Claims 8-13 were rejected under 35 U.S.C. §103(a) as unpatentable over as Mitsui in view of Victor; and Claims 17, 18, 20-27, 29, 30, 32, and 33 were rejected under 35 U.S.C. §103(a) as unpatentable over Mitsui in view of Victor and further in view of Takeshita et al. (U.S. Patent No. 6,521,370, hereinafter “Takeshita”).

Applicants and Applicants’ representatives thank Examiners Ryan and Kwon for the courtesy of the interview granted to Applicants’ representatives on August 6, 2009. During the interview, the outstanding rejections were discussed as well as proposed amendments to overcome these rejections. Examiner Kwon agreed that the subject matter of Claim 31 overcomes the rejections of record. The present amendment amends the independent claims to include the subject matter of Claim 31.

¹See, e.g., the specification at paragraphs 48 and 70 of the publication of the specification and Figures 1 and 11.

With regard to the rejection of Claims 1 and 8 as unpatentable over as Mitsui in view of Victor, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a convex portion projecting in the length direction from an end surface of the case and extending in the width direction along the end surface of the case, the convex portion disposed in a distance in the thickness direction from the battery-side terminal, and *the convex portion* being located on a same end surface of the case as the battery-side terminal and *extends in the width direction of the case a distance greater than a distance that the electrodes of the battery-side terminal extend in the width direction of case.*

The outstanding Office Action conceded that Mitsui does not describe “a convex portion” as recited in original Claim 1, but concluded that it would be obvious to move engagement boss 73 of Mitsui to battery pack 31 and to change the width to create the claimed invention.² However, it is respectfully noted that terminals 37 and 38 are at the edges of the battery case and engagement boss 73 is in the center of the case widthwise and much narrower than the span of terminals 37 and 38. Further, Mitsui only describes exemplary lengths of engagement boss 73, and does not describe that the width of engagement boss 73 is a result effective variable. Accordingly, it cannot be considered obvious to vary the width of engagement boss 73 in view of Mitsui.

Thus, as it is respectfully submitted that Mitsui does not teach “a convex portion” as defined in amended Claim 1, Claim 1 (and Claims 2-7 and 14-16 dependent therefrom) is patentable over Mitsui in view of Victor.

Amended Claim 8 recites in part “a recess groove configured to receive the convex portion of the battery when the battery is mounted in the battery mounting section, the recess groove extending in the width direction of the case a distance greater than a distance that the electrodes of the battery-side terminal extend in the width direction of case.”

²See the outstanding Office Action at pages 8-9.

As noted above, hole 52 of Mitsui is much narrower than the span of terminals 37 and 38. Further, Mitsui only describes exemplary lengths of engagement boss 73, and does not describe that the width of hole 52 which receives engagement boss 73 is a result effective variable. Accordingly, it cannot be considered obvious to vary the width of hole 52 in view of Mitsui.

Thus, as it is respectfully submitted that Mitsui does not teach “a recess groove” as defined in amended Claim 8, Claim 8 (and Claims 9-13 dependent therefrom) is also patentable over Mitsui in view of Victor.

With regard to the rejection of Claims 17 and 24 as unpatentable over Victor in view of Matsui and further in view of Takeshita, that rejection is respectfully traversed.

Amended Claims 17 and 24 also recite in part:

a ... convex portion projecting in the length direction from an end surface of the case and extending in the width direction along the end surface of the case, the ... convex portion disposed in a distance in the thickness direction from the battery-side terminal, and the ... convex portion being located on a same end surface of the case as the battery-side terminal and extends in the width direction of the case a distance greater than a distance that the electrodes of the battery-side terminal extend in the width direction of case.

The outstanding Office Action conceded that Takeshita, Victor, and Mitsui do not describe “a convex portion” as recited in Claims 17 and 24, but concluded that it would be obvious to move engagement boss 73 of Mitsui to battery pack 31 and to change the width to create the claimed invention.³ However, as noted above, terminals 37 and 38 are at the edges of the battery case and engagement boss 73 is in the center of the case widthwise and much narrower than the span of terminals 37 and 38. Further, Mitsui only describes exemplary lengths of engagement boss 73, and does not describe that the width of engagement boss 73 is

³See the outstanding Office Action at page 25.

Application No. 10/562,453
Reply to Office Action of June 24, 2009

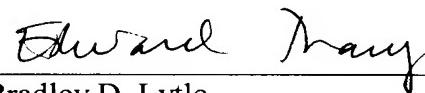
a result effective variable. Accordingly, it cannot be considered obvious to vary the width of engagement boss 73 in view of Mitsui.

Thus, as it is respectfully submitted that the proposed combination does not teach a "convex portion" as defined in amended Claims 17 and 24, Claims 17 and 24 (and Claims 18, 20-23, 25-28, 30, 32, and 33 dependent therefrom) are patentable over Mitsui in view of Victor and further in view of Takeshita.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)